

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Christopher Young,)	Case No.: 2:21-cv-01696-JD-MGB
)	
Plaintiff,)	
)	
vs.)	OPINION & ORDER
)	
Eric McDaniel, LPN; Joshua Dean, Deputy;)	
and Lindsey Mondelus,)	
)	
Defendants.)	
)	

This matter is before the Court with the Report and Recommendation of United States Magistrate Mary Gordon Baker (“Report and Recommendation”) (DE 75), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ Christopher Young (“Young” or “Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to medical needs, among other things, in violation of his constitutional rights. (DE 18.)

On April 28, 2022, Defendants Eric McDaniel, LPN; Joshua Dean, Deputy; and Lindsey Mondelus (collectively “Defendants”) filed a Motion for Summary Judgment. (DE 66.) The next day, this Court issued an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the dismissal procedure and the possible consequences if he failed to adequately respond to the motion. (DE 68.) Plaintiff’s response to Defendants’ Motion was due by May 31, 2022, and Plaintiff failed to respond to the Motion.

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

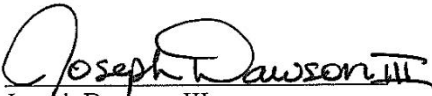
Because Plaintiff is proceeding *pro se*, the Court filed an Order on June 7, 2022, giving Plaintiff through June 21, 2022, to file his response to the Motion for Summary Judgment. (DE 66.) Plaintiff was specifically advised that if he failed to respond, this action would be dismissed. On June 21, 2022, the Court's Order was returned as undeliverable. (DE 72.) Out of an abundance of caution, the Court remailed the Order. (DE 73.) On July 5, 2022, the Order was again returned as undeliverable. (DE 74.) A notation on the returned mailing stated that the residence to which the mailing was sent is now vacant. (*Id.*) Plaintiff was advised on multiple occasions that he must always keep the Clerk of Court advised, in writing, of changes to his address and failure to do so would not be excused by the Court and could result in dismissal of this case. (DE 22, p. 2; DE 38, pp. 1-2.) Nonetheless, Plaintiff has not provided the Court with an updated mailing address. Further, Plaintiff failed to respond to Defendants' Motion for Summary Judgment by the June 21, 2022, deadline.

The Report and Recommendation was issued on July 6, 2022, recommending that this action be dismissed for lack of prosecution and for failure to comply with the Court's Orders. Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein.

It is, therefore, **ORDERED** that this case is dismissed with prejudice and Defendants' Motion for Summary Judgment (DE 66) is now moot.

IT IS SO ORDERED.


Joseph Dawson, III
United States District Judge

Florence, South Carolina
September 12, 2022

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.